

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

**NP RED ROCK LLC d/b/a
RED ROCK CASINO, RESORT & SPA**

and

**Cases 28-CA-244484
28-CA-250950**

CLAUDIA MONTANO, an Individual

and

**Cases 28-CA-250229
28-CA-250282
28-CA-250873
28-CA-252591
28-CA-253276
28-CA-254470
28-CA-254510
28-CA-254514
28-CA-260640
28-CA-260641
28-CA-262187
28-CA-262803
28-CA-264605**

**NP BOULDER LLC d/b/a
BOULDER STATION HOTEL & CASINO**

and

Case 28-CA-254155

**LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS
a/w UNITE HERE INTERNATIONAL UNION**

**NP PALACE LLC d/b/a
PALACE STATION HOTEL & CASINO**

and

Case 28-CA-254162

**LOCAL JOINT EXECUTIVE BOARD OF LAS VEGAS
a/w UNITE HERE INTERNATIONAL UNION**

ORDER

The General Counsel's Request for Special Permission to Appeal from Administrative Law Judge Jeffery D. Wedekind's October 23, 2020 Order is denied.

The General Counsel has failed to establish that the judge abused his discretion in granting the Respondent's petition to revoke subpoenas ad testificandum A-1-1AIUQ3D and 1-A-1AIV91L addressed to the Respondent.¹

Dated, Washington, D.C., December 2, 2020.

JOHN R. RING	CHAIRMAN
MARVIN E. KAPLAN	MEMBER
LAUREN McFERRAN	MEMBER

¹ Member McFerran agrees the judge did not abuse his discretion in revoking the subpoenas seeking the testimony of the Respondent's CEO and Chairman, and its Vice Chairman, without prejudice to the General Counsel renewing his effort to compel their testimony during the hearing. She observes, however, that the General Counsel is seeking a remedial bargaining order under *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969), and that in assessing the appropriateness of such an order the Board would consider any evidence that high-ranking corporate officers not only personally committed violations, but authorized or directed conduct found to be unlawful. See, e.g., *Evergreen America Corp.*, 348 NLRB 178, 181 (2006) (relying on evidence that employer's president authorized wage increases, promotions, and a \$400 gift certificate to employees), *enfd.* 531 F.3d 321 (4th Cir. 2008); *Overnite Transportation Co.*, 329 NLRB 990, 992-993 (1999) (considering evidence that employer's senior vice president and its general counsel both helped direct unlawful activities), *enf. denied in part on other grounds* 280 F.3d 417 (4th Cir. 2002).